UNITED NATIONS

A

General Assembly

Distr.
GENERAL

A/INF/47/7
11 December 1992

ORIGINAL: ENGLISH

Forty-seventh session

UNITED NATIONS ADMINISTRATIVE TRIBUNAL

Note by the Secretary-General

The Secretary-General has the honour to transmit to the members of the General Assembly, for their information, the attached note from the United Nations Administrative Tribunal to the President of the General Assembly.

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ANNEX

Annual note by the United Nations Administrative Tribunal

1. At its third plenary session, held in Paris on 20 December 1951, the Administrative Tribunal decided to submit a note each year to the President of the General Assembly. In accordance with this decision, the following note is submitted in respect of the year 1992.

I. APPOINTMENT OF MEMBERS OF THE TRIBUNAL BY THE GENERAL ASSEMBLY

2. At its 79th plenary meeting, on 20 December 1991, the General Assembly, on the recommendation of the Fifth Committee (see A/46/813), appointed Mr. Samar Sen, Mr. Mikuin Leliel Balanda and Mr. Hubert Thierry as members of the United Nations Administrative Tribunal for a three-year term of office beginning on 1 January 1992.

II. COMPOSITION OF THE TRIBUNAL DURING 1992

3. In 1992, the Tribunal was composed of the following members:

Mr. Jerome Ackerman, President
Mr. Arnold Kean, First Vice-President (from 19 November 1991 until 1 June 1992)
Mr. Samar Sen, First Vice-President (from 1 June 1992)
Mr. Luis de Posadas Montero, Second Vice-President
Mr. Ioan Voicu
Mr. Mikuin Leliel Balanda
Mr. Hubert Thierry

III. FORTY-THIRD PLENARY SESSION

4. The Tribunal met in annual plenary session in New York on 19 November 1992, pursuant to article 5, paragraph 1, of its rules. All members were present.

IV. JUDGEMENTS DELIVERED DURING 1992

5. In 1992, the Tribunal held two panel sessions, one in Geneva from 1 June to 2 July, and one in New York from 19 October to 20 November. Mr. Arnold Kean was unable to attend the session held in Geneva. The composition of the panels and the corresponding judgements rendered are as follows:

Case No. 516: Pappas

(Pappas against the Secretary-General of the United Nations)
(Request for revision of Judgement No. 500 under article 12 of the Statute of the Tribunal)
Judgement AT/DEC/585

New York, 26 October to 20 November 1992

Mr. Sen, presiding
Mr. Voicu
Mr. Balanda

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Case No. 520: Lavalle

(Lavalle against the Secretary-General of the United Nations)
(Request for correction of Judgement No. 501 under article 12 of the Statute of the Tribunal)
See also case No. 580
Judgement AT/DEC/564

Geneva, 16 June to 2 July 1992

Mr. Ackerman, President
Mr. Voicu
Mr. Thierry

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Case No. 540: Coulibaly

(Coulibaly against the Secretary-General of the United Nations)
(Request for revision of Judgement No. 504 under article 12 of the Statute of the Tribunal)
Judgement AT/DEC/556

Geneva, 12 to 29 June 1992

Mr. de Posadas Montero, presiding
Mr. Voicu
Mr. Balanda

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Case No. 552: Al-Jaff

(Al-Jaff against the Secretary-General of the United Nations)
(Claim for reinstatement and extension of his fixed-term appointment by former ESCWA staff member)
Judgement AT/DEC/562

Geneva, 4 June to 2 July 1992

Mr. de Posadas Montero, presiding
Mr. Sen
Mr. Thierry

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Case No. 575: Mohapi

(Mohapi against the Secretary-General of the United Nations)
(Claim by UNDP staff member for rescission of disciplinary decision to demote her and to reassign her)
Judgement AT/DEC/551

Geneva, 11 to 18 June 1992

Mr. Ackerman, President
Mr. Sen
Mr. Thierry

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Case No. 578: Faruq

(Faruq against the Secretary-General of the United Nations)
(Claim by former UNICEF staff member for rescission of decision to dismiss him for misconduct)
Judgement AT/DEC/558

Geneva, 10 to 30 June 1992

Mr. Ackerman, President
Mr. Sen
Mr. Balanda

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Case No. 579: Fagan

(Fagan against the Secretary-General of the United Nations)
(Claim by UNICEF staff member to be assigned to a post for which she was not selected)
Judgement AT/DEC/554

Geneva, 2 to 25 June 1992

Mr. de Posadas Montero, presiding
Mr. Sen
Mr. Voicu

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Case No. 580: Lavalle

(Lavalle against the Secretary-General of the United Nations)
(Claim for additional compensation for alleged irregularities in his performance evaluation report) This case was joined with case No. 520, referred to above.
Judgement AT/DEC/564

Geneva, 16 June to 2 July 1992

Mr. Ackerman, President
Mr. Voicu
Mr. Thierry

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Case No. 581: McFadden

(McFadden against the Secretary-General of the United Nations)
(Claim by former United Nations staff member that the termination of his permanent appointment, under staff regulation 9.1 (a), violated his rights)
Judgement AT/DEC/547

Geneva, 3 to 16 June 1992

Mr. Ackerman, President
Mr. Sen
Mr. Thierry

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Case No. 583: Vitkovski
Case No. 585: Rylkov

(Vitkovski and Rylkov against the Secretary-General of the United Nations)
(Claim by former United Nations staff members that the refusal to offer them extensions of their fixed-term appointments or career appointments violated their rights)
Judgement AT/DEC/559

Geneva, 9 to 30 June 1992

Mr. Ackerman, President
Mr. de Posadas Montero
Mr. Thierry

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Case No. 586: Abrah

(Abrah against the Secretary-General of the United Nations)
(Claim by former UNDP staff member that the non-extension of his fixed-term appointment was invalid because of procedural irregularities)
Judgement AT/DEC/553

Geneva, 9 to 24 June 1992

Mr. Ackerman, President
Mr. Voicu
Mr. Balanda

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Case No. 587: Selamawit Makonnen

(Selamawit Makonnen against the Secretary-General of the United Nations)
(Claim by former ECA staff member for reinstatement on the ground that the termination of her services for abandonment of post was improper)
Judgement AT/DEC/555

Geneva, 4 to 26 June 1992

Mr. Ackerman, President
Mr. Balanda
Mr. Thierry

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Cases No. 588): Christy
No. 589): Thorstensen
No. 590): White

(Christy, Thorstensen, White against the United Nations Joint Staff Pension Board)
(Request for revision of Judgement No. 546 under article 12 of the Statute of the Tribunal)
Judgement AT/DEC/568

New York, 19 October to 4 November 1992

Mr. Ackerman, President
Mr. Sen
Mr. Kean

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Case No. 592: Sagaf-Larrabure

(Sagaf-Larrabure against the Secretary-General of the United Nations)
(Claim by UNDP staff member that failure to promote her to the Professional category was due to discrimination)
Judgement AT/DEC/557

Geneva, 12 to 29 June 1992

Mr. de Posadas Montero, presiding
Mr. Balanda
Mr. Thierry

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Case No. 595: Khan

(Khan against the Secretary-General of the United Nations)
(Claim by former UNICEF staff member for rescission of decision to dismiss him for misconduct)
Judgement AT/DEC/563

Geneva, 15 June to 2 July 1992

Mr. Ackerman, President
Mr. Sen
Mr. Voicu

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Case No. 596: Edussuriya

(Edussuriya against the Secretary-General of the United Nations)
(Claim by former UNDP staff member that the decision to withhold his 1984 within-grade salary increment be rescinded and the award already paid to him by the Secretary-General, pursuant to the JAB recommendation, be increased correspondingly)
Judgement AT/DEC/561

Geneva, 12 June to 1 July 1992

Mr. de Posadas Montero, presiding
Mr. Sen
Mr. Balanda

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Case No. 598: Claxton

(Claxton against the Secretary-General of the United Nations)
(Claim by United Nations staff member that her post should have been reclassified to the Professional category)
Judgement AT/DEC/560

Geneva, 2 to 30 June 1992

Mr. Ackerman, President
Mr. de Posadas Montero
Mr. Thierry

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Case No. 602: Ahmed

(Ahmed against the Secretary-General of the United Nations)
(Claim by former United Nations staff member that he should have been selected for a D-1 post)
Judgement AT/DEC/566

Geneva, 5 June to 2 July 1992

Mr. Ackerman, President
Mr. de Posadas Montero
Mr. Voicu

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Case No. 604: Sha'er

(Sha'er against the Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East)
(Claim by UNRWA staff member for rescission of decision to terminate the Applicant's appointment under staff regulation 9.1)
Judgement AT/DEC/550

Geneva, 11 to 18 June 1992

Mr. Ackerman, President
Mr. Sen
Mr. Voicu

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Case No. 606: Szenttornyay

(Szenttornyay against the Secretary-General of the United Nations)
(Claim by United Nations staff member that her application for reclassification of her post was improperly rejected as time-barred)
Judgement AT/DEC/552

Geneva, 11 to 19 June 1992

Mr. Ackerman, President
Mr. de Posadas Montero
Mr. Voicu

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Case No. 608: Atefat

(Atefat against the Secretary-General of the United Nations)
(Claim by UNCTAD staff member that on account of procedural irregularities, his consideration for promotion from the P-3 to the P-4 level was flawed)
Judgement AT/DEC/586

New York, 27 October to 20 November 1992

Mr. de Posadas Montero, presiding
Mr. Kean
Mr. Voicu

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Case No. 609: Renninger

(Renninger against the Secretary-General of the United Nations)
(Claim by former UNITAR staff member that he should be credited with pensionable service with respect to the period from 1 July 1975 to 30 November 1978)
Judgement AT/DEC/549

Geneva, 3 to 17 June 1992

Mr. Ackerman, President
Mr. Voicu
Mr. Thierry

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Case No. 610: Giscombe

(Giscombe against the Secretary-General of the United Nations)
(Request for revision of Judgement No. 502 under article 12 of the Statute of the Tribunal)
Judgement AT/DEC/567

New York, 20 October to 2 November 1992

Mr. Ackerman, President
Mr. Sen
Mr. Voicu

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Case No. 611: Sundaram

(Sundaram against the Secretary-General of the United Nations)
(Claim by UNICEF staff member that the appointment of a staff member other than himself, to the post he encumbered and which was reclassified to a higher level, was improper)
Judgement AT/DEC/572

New York, 22 October to 11 November 1992

Mr. Ackerman, President
Mr. de Posadas Montero
Mr. Balanda

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Case No. 612: Al-Atraqchi

(Al-Atraqchi against the Secretary-General of the United Nations)
(Claim by United Nations staff member that his candidacy for a D-1 post was not properly considered as the Vacancy Management System was illegal)
Judgement AT/DEC/565

Geneva, 5 June to 2 July 1992

Mr. Ackerman, President
Mr. de Posadas Montero
Mr. Sen

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Case No. 614: Neuman

(Neuman against the Secretary-General of the United Nations)
(Claim by former United Nations staff member for rescission of decision to summarily dismiss him for misconduct)
Judgement AT/DEC/582

New York, 29 October to 20 November 1992

Mr. Sen, presiding
Mr. Voicu
Mr. Balanda

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Case No. 616: Beredjick

(Beredjick against the Secretary-General of the United Nations)
(Claim by former United Nations staff member for payment of a special post allowance at the Assistant Secretary-General level)
Judgement AT/DEC/548

Geneva, 5 to 17 June 1992

Mr. Ackerman, President
Mr. Sen
Mr. Balanda

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Case No. 617: Kaouakib

(Kaouakib against the Secretary-General of the United Nations)
(Claim by United Nations staff member to a probationary appointment from May 1989, and promotion to the P-3 level from April 1987)
Judgement AT/DEC/577

New York, 26 October to 17 November 1992

Mr. Ackerman, President
Mr. de Posadas Montero
Mr. Thierry

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Case No. 619: Makwali

(Makwali against the Secretary-General of the United Nations)
(Claim by former UNCHS staff member for reinstatement as the non-extension of his fixed-term appointment was improper)
Judgement AT/DEC/576

New York, 21 October to 16 November 1992

Mr. Ackerman, President
Mr. Kean
Mr. Thierry

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Case No. 620: Pearl

(Pearl against the Secretary-General of the United Nations)
(Claim by United Nations staff member that failure to appoint him to a D-1 position for which he was fully qualified was due to improper extraneous factors)
Judgement AT/DEC/569

New York, 26 October to 6 November 1992

Mr. Ackerman, President
Mr. Kean
Mr. Thierry

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Case No. 621: Hassani

(Hassani against the Secretary-General of the United Nations)
(Claim by former United Nations staff member for reinstatement based on her expectancy that her fixed-term appointment would be extended)
Judgement AT/DEC/578

New York, 29 October to 17 November 1992

Mr. de Posadas Montero, presiding
Mr. Balanda
Mr. Thierry

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Case No. 622: Djimbaye

(Djimbaye against the Secretary-General of the United Nations)
(Claim by former ECA staff member for rescission of decision to dismiss him for misconduct)
Judgement AT/DEC/583

New York, 29 October to 20 November 1992

Mr. Sen, presiding
Mr. Voicu
Mr. Balanda

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Case No. 627: Bhatia

(Bhatia against the Secretary-General of the United Nations)
(Claim by UNICEF staff member that the appointment of a staff member other than himself to the post he encumbered and which was reclassified to a higher level, was improper)
Judgement AT/DEC/573

New York, 22 October to 11 November 1992

Mr. Ackerman, President
Mr. de Posadas Montero
Mr. Balanda

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Case No. 628: Roth

(Roth against the Secretary-General of the United Nations)
(Claim by former United Nations staff member, under Appendix D to the Staff Rules, to compensation for injury)
Judgement AT/DEC/570

New York, 20 October to 9 November 1992

Mr. Ackerman, President
Mr. Sen
Mr. Voicu

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Case No. 629: Palermo

(Palermo against the Secretary-General of the United Nations)
(Claim by former UNHCR staff member to reinstatement because she did not receive proper "consideration for other suitable posts" under staff rule 109.1 (c), after the abolition of her post)
Judgement AT/DEC/580

New York, 28 October to 18 November 1992

Mr. de Posadas Montero, presiding
Mr. Balanda
Mr. Thierry

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Case No. 630: Megzari

(Megzari against the Secretary-General of the United Nations)
(Claim by UNCTAD staff member that his promotion to the D-1 level was improperly denied)
Judgement AT/DEC/574

New York, 22 October to 12 November 1992

Mr. Sen, presiding
Mr. Balanda
Mr. Thierry

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Case No. 631: Tarjouman

(Tarjouman against the Secretary-General of the United Nations)
(Claim by United Nations staff member to retroactive promotion and to salary and allowances, including pension coverage during six years of imprisonment)
Judgement AT/DEC/579

New York, 23 October to 18 November 1992

Mr. Ackerman, President
Mr. de Posadas Montero
Mr. Thierry

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Case No. 632: Adongo

(Adongo against the Secretary-General of the United Nations)
(Claim by former UNEP staff member for rescission of decision to dismiss him for misconduct)
Judgement AT/DEC/584

New York, 29 October to 20 November 1992

Mr. Sen, presiding
Mr. Voicu
Mr. Balanda

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Case No. 633: Noble

(Noble against the Secretary-General of the United Nations)
(Claim by former United Nations staff member for interest due on delayed payments of lump sum and periodic benefits by the United Nations Joint Staff Pension Fund)
Judgement AT/DEC/571

New York, 28 October to 9 November 1992

Mr. Ackerman, President
Mr. Sen
Mr. Voicu

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Case No. 635: Burtis

(Burtis against the Secretary-General of the United Nations)
(Claim by unsuccessful job applicant that the failure by the Organization to offer her an appointment was due to prejudicial material contained in an unofficial personnel file)
Judgement AT/DEC/575

New York, 21 October to 13 November 1992

Mr. de Posadas Montero, presiding
Mr. Kean
Mr. Voicu

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Copies of the judgements are available at Documents Distribution.

V. SESSIONS SCHEDULED FOR 1993

6. Taking into consideration the number of cases already submitted to it, the Tribunal decided that the first ordinary session, referred to in article 6, paragraph 2, of its rules, would be held at the United Nations Office at Geneva beginning 1 June 1993, and that its second session would be held at Headquarters during the last quarter of 1993, pursuant to articles 5.1 and 6.2 of its rules.

7. The Tribunal notes that it has encountered difficulties in obtaining the accommodations normally provided by the United Nations Office at Geneva for its 1993 spring session. The Tribunal has agreed, on an exceptional basis, to use offices outside the Palais des Nations. However, the Tribunal trusts that appropriate arrangements will be made so that the Tribunal may be assured that its future Geneva sessions will be held at the Palais des Nations.